

IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

TUESDAY, THE TWENTY FOURTH DAY OF MAY
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE SRI DEVINDER GUPTA, THE CHIEF JUSTICE

and

THE HON'BLE MR JUSTICE GHULAM MOHAMMED

WRIT APPEAL NO : 282 of 2005

(Writ Appeal under Clause 15 of the Letters Patent against the Order dated
01/11/2004 in WP No: 11791 OF 2004 on the file of the High Court.)

Between:

1. M. Kurumurthy, S/o. Venkataiah,
R/o. Ambedkar Nagar, Filmnagar, Hyderabad.
2. S. Laxmaiah, S/o. Late Balaswamy,
R/o. Near Community Hall, Showkathnagar, Road No.2 Banjara Hills,
Hyderabad.
3. Balamma, W/o. Chennaiah,
r/o. 8-2-231/A/21/C , Srikrishna Nagar, Hyderabad.

.... APPELLANTS

AND

- 1 Government of Andhra Pradesh, Rep. by Principal Secretary,
Revenue Department, Secretariat Buildings, Hyderabad.
- 2 Government of Andhra Pradesh, Rep. by Principal Secretary, Home
Department, Secretariat Buildings, Hyderabad.
- 3 The District Collector, Hyderabad district, Hyderabad.
- 4 The Joint Collector, Hyderabad district, Hyderabad.
- 5 The Revenue Divisional Officer, Secunderabad Division, Minister
Road, Secunderabad.
- 6 The Mandal Revenue Officer, Khairatabad Mandal, Hyderabad.
- 7 The Circle Inspector of Police, SR Nagar Police Station, SR Nagar,
Hyderabad.
- 8 M. Kamamma, W/o. Hanumantha Rao, C/o. Hanumantha Rao,

8-2-272/31, Road, No.2 Banjara Hills, Hyderabad.

(R.8 is not a necessary party)

....RESPONDENTS

Counsel for the Appellants: DAMARAJU VENKATA MUDHUSUDHAN RAO

Counsel for the Respondents: GP FOR REVENUE

The Court made the following :

ORAL ORDER: (per the Hon'ble the Chief Justice)

The appellants-petitioners are aggrieved by the order of the learned single Judge dismissing the writ petition. In the writ petition, the appellants herein sought for a direction against the respondents for taking action in evicting the alleged unauthorized occupants and to restore the possession of the land to them.

The appellants claim that they were assigned D-Form pattas and were put in possession of the property. But subsequently, some encroachers threw them out and occupied the land. The appellants thus seek directions against the respondents to initiate proceedings for evicting the unauthorized occupants. We are unable to appreciate the submission made by the learned counsel for the appellants that once the land is being in occupation of the appellants pursuant to the assignments made in their favour by issuing D-Form pattas, then it would be the obligation on the part of the respondents to ensure that nobody encroaches upon the said land. It is for the appellants to protect their property and in case some one has encroached upon their property illegally, it is for the appellants to invoke either civil or criminal remedy against the encroachers. They cannot seek intervention of the State/respondents under the provisions of the Andhra Pradesh Assigned Lands (Prohibition of Transfers) Act, 1977. It is not the obligation of the respondents to evict the alleged encroachers. The learned single Judge was justified in dismissing the writ petition.

With leave and liberty granted to the appellants, the appeal is dismissed. No costs.

DEVINDER GUPTA, CJ

Dated 24..02..2005

GHULAM MOHAMMED

msv.

To

1 The Principal Secretary,

Revenue Department, Government of Andhra Pradesh,

Secretariat Buildings, Hyderabad.

2 The Principal Secretary,

Home Department, Government of Andhra Pradesh, Secretariat

Buildings, Hyderabad.

3 The District Collector, Hyderabad district, Hyderabad.

4 The Joint Collector, Hyderabad district, Hyderabad.

5 The Revenue Divisional Officer, Secunderabad Division, Minister

Road, Secunderabad.

6 The Mandal Revenue Officer, Khairatabad Mandal, Hyderabad.

7 The Circle Inspector of Police, SR Nagar Police Station, SR Nagar,

Hyderabad.

8 Two CCs to the G.P. for Revenue, High Court Buildings, Hyderabad

(OUT)

9. 2 CD copies.